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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,044	09/19/2001	Carol Sue Hidy Sues	10010668-1	8481

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
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EXAMINER

ROSWELL, MICHAEL

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/955,044

Applicant(s)

SUESS ET AL.

Examiner

Michael Roswell

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

The abstract of the disclosure is objected to because it refers to purported merits or speculative applications of the invention and should not compare the invention with the prior art.. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art. (Emphasis added)

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 recites the limitation "the multiple participants" in the third line of the claim.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2173

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-2, 5, 9-11, and 18-19 rejected under 35 U.S.C. 102(b) as being anticipated by Liles et al (US Patent 5,880,731), hereinafter Liles.

2. Regarding claim 1, Liles teaches in a frame allowing the communication of expressive information between multiple users a personal information section containing a name of a participant (taught as the use of a chat session participant list containing a user's name and symbol, at col. 13, lines 8-12), icons indicating inputs and reactions of a participant including textual and pictorial inputs (taught as the use of gestures along with textual information for conveying the emotional state of a user, at col. 9, lines 53-65), annotation banners containing comments or questions of a participant (taught as a text box for displaying or entering text messages between users, at col. 10, lines 2-17), and transmitting the information to other participants through a computer network system to advance communication (taught as the transmission of gestures and text to multiple chat participants, at col. 9, lines 53-65).

3. Regarding claim 2, Liles at col. 13, lines 8-12 shows a frame representing multiple participants of a chat session.

4. Regarding claim 5, Liles teaches a callout box for status comments, taught as a text box for displaying or entering text messages between users, at col. 10, lines 2-17.

5. Regarding claim 9, the segmentation of the overall frame into differently functioning sections described at cols. 9-10, lines 55-25, teaches the assignment of specific meanings to various locations of a frame.

6. Regarding claim 10, Liles teaches predefined standard annotations selectable from a menu that are also configurable, taught as the ability to select different gestures from a menu and apply them to different situations, at col. 9, lines 33-38.

7. Regarding claim 11, Liles teaches a method for interacting with multiple users in a chat environment, which inherently must contain a plurality of computers that include display devices. Furthermore, computer systems with audio output devices are extremely well-known in the art. Liles also teaches a personal information section that contains the name of a participant (taught as the use of a chat session participant list containing a user's name and symbol, at col. 13, lines 8-12), icons indicating inputs or reactions of the participant related to subject matter that includes pictorial or textual input (taught as the use of gestures along with textual information for conveying the emotional state of a user, at col. 9, lines 53-65), annotation banners containing comments or questions of a participant (taught as a text box for displaying or entering text messages between users, at col. 10, lines 2-17), and transmitting the information to other participants through a computer network system to advance communication (taught as the transmission of gestures and text to multiple chat participants, at col. 9, lines 53-65).

8. Regarding claim 18, Liles teaches predefined standard annotations selectable from a menu that are also configurable, taught as the ability to select different gestures from a menu and apply them to different situations, at col. 9, lines 33-38.

9. Regarding claim 19, Liles teaches a method for interacting with multiple users in a chat environment, which inherently must contain a plurality of computers that include display devices. Furthermore, computer systems with audio output devices are extremely well-known in the art. Liles also teaches a personal information section that contains the name of a participant (taught as the use of a chat session participant list containing a user's name and symbol, at col. 13, lines 8-12), icons indicating inputs or reactions of the participant related to subject matter that includes pictorial or textual input (taught as the use of gestures along with textual information for conveying the emotional state of a user, at col. 9, lines 53-65), annotation banners containing comments, questions or other miscellaneous input of a participant (taught as a text box for displaying or entering text messages between users, at col. 10, lines 2-17).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles.

10. While Liles teaches a frame allowing the communication of expressive information between multiple users, the reference fails to explicitly teach the resizing and personalization of windows or frames. Graphical user interface manipulations such as selective window or frame resizing are well known in the art, and thus allow for personalization by the user, as in the Windows operating system. The Examiner takes OFFICIAL NOTICE of these teachings.

Therefore, it would have been obvious to one of ordinary skill in the art to include selective resizing and personalization of windows or frames. One would be motivated to make such a modification in order to increase user-friendliness and program customization.

Claims 3-4, 8, 12, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles and Hatelid et al (US Patent 6,522,333), hereinafter Hatelid.

11. Regarding claims 3 and 20, Liles has been shown to teach a frame allowing users to communicate expressive information to one another over a network, utilizing a personal information section, icons indicating inputs and reactions, and annotation banners.

However, Liles fails to explicitly teach a still or video picture of the participant in the personal information section.

Hatelid teaches a system for communication over a network similar to that of Liles. Furthermore, Hatelid teaches representing users in a still picture or video, by displaying in a videophone interface a visual representation of each participant in a chat session, shown in Figs. 2a-2b, and at cols. 5-6, lines 64-9.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Liles and Hatelid before him at the time the invention was made to modify the personal information section of Liles to include the visual representation of a participant of Hatelid in order to obtain a method for communication over a network wherein users are represented visually.

One would be motivated to make such a combination for the advantage of providing visual information to a user to more easily convey expressive information. See Hatelid, col. 1, lines 55-64.

12. Regarding claims 4 and 12, Hatelid teaches the incorporation of sound or audio clips to further express information to chat participants, at col. 9, lines 44-54.

13. Regarding claim 8 and 15, Hatelid teaches altering elements of the display frame in order to more accurately convey expressive information to a user, taught as the change of size, color, rate, and style of displayed text dependent on a user's behavioral information, at cols. 9-10, lines 55-25.

Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles and Burstrom (US Publication 2001/0055036).

14. Liles has been shown to teach a frame allowing users to communicate expressive information to one another over a network, utilizing a personal information section, icons indicating inputs and reactions, and annotation banners.

However, Liles fails to explicitly describe a default fade rate for one or more icons.

Burstrom teaches an online graphical message service for sending electronic information between users similar to that of Liles. Furthermore, Burstrom teaches the fading of messages (similar to the claimed message-carrying icons) after a certain period of time, at ¶ 0037.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Liles and Burstrom before him at the time the invention was made to modify the communication frame system of Liles with the message fade rate of Burstrom in order to obtain a communication system where messages disappear from the display after a period of time.

One would be motivated to make such a combination for the advantage of reducing on screen clutter from a display automatically. See Burstrom, ¶ 0037.

Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liles and Haikin (US Patent 5,508,718).

15. Liles has been shown to teach a frame allowing users to communicate expressive information to one another over a network, utilizing a personal information section, icons indicating inputs and reactions, and annotation banners.

However, Liles fails to explicitly teach color-coding or frames, where each different color represents different expressive information.

Haikin teaches the color-coding of documents based on the desired emotional tone of the document, at cols. 5-6, lines 57-50.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Liles and Haikin before him at the time the invention was made to modify the communication frame of Liles to include the emotional color-coding of Haikin in order to obtain a communication system where a user may convey emotional information through a color system.

One would be motivated to make such a combination for the advantage of more easily conveying emotional information over a network. See Haikin, col. 2, lines 11-34.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art relates to audio/video messaging over a network and the state of the art in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Roswell whose telephone number is (703) 305-5914. The examiner can normally be reached on 8:30 - 6:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (703) 308-3116. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Michael Roswell
10/25/2004



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